

REMARKS

Claims 12-16 have been canceled without prejudice and replaced by new claims 17-22, which are pending in the present application. Entry of the amendments, and reexamination and allowance of the pending claims are respectfully requested.

Claims 12-13 stand rejected under 35 USC 102(e) as being anticipated by USP 5,137,044 to Brady. Claims 12-13 and 15-16 stand rejected under 35 USC 102(e) as being anticipated by USP 5,439,018 to Tsai. These rejections are respectfully traversed with respect to the new claims.

Claims 12-16 have been canceled without prejudice, and replaced by new claims 17-22. New claim 17 recites, among other limitations, that the angled panel is coupled to the vertical angle at an angle with respect to the vertical panel, and that both the vertical panel and the angled panel have a bottom side that contacts the horizontal surface when the structure is deployed on the horizontal surface.

In contrast, the structures in Brady and Tsai cannot assume the recited orientations (i.e., the angled panel is coupled to the vertical angle at an angle with respect to the vertical panel, and that both the vertical panel and the angled panel have a bottom side that contacts the horizontal surface when the structure is deployed on the horizontal surface), when the respective structure is deployed during use.

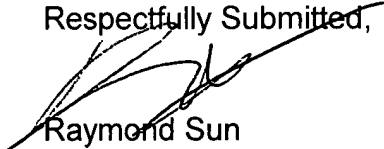
For example, if the panel R in Brady is oriented in a vertical manner (as suggested by the Examiner), the panel S would be elevated above the ground, so that the bottom side of the panel S cannot contact the horizontal surface when the structure is deployed on the horizontal surface. In addition, if the panel R in Brady is oriented in a vertical manner (as suggested by the Examiner), the structure would be inoperable because the structure would collapse (or revert to the orientation shown in FIG. 2) as soon as an occupant enters the interior of the structure.

Similarly, if one of the panels in Tsai is oriented in a vertical manner (as suggested by the Examiner), the other panel would be elevated above the ground, so that the bottom side of the other panel cannot contact the horizontal surface when the structure is deployed on the horizontal surface. In addition, if one of the panels in Tsai is oriented in a vertical manner (as suggested by the Examiner), the structure would be inoperable because the structure would collapse (or revert to the orientation shown in FIG. 1) as soon as an occupant enters the interior of the structure. Tsai specifically discloses a pyramidal structure (which does not have any vertical panels when deployed for use) having triangular side pieces 11 and 13.

Applicant respectfully submits that the Examiner cannot assert that the structures in Brady and Tsai are capable of assuming the recited orientations. In this regard, it is impossible for the structures in Brady and Tsai to be positioned so that (i) a first panel is vertical, (ii) a second panel is angled with respect to the first panel, and (iii) the bottom sides of both panels contact a horizontal surface when the structure is deployed on the horizontal surface. Thus, Applicant respectfully submits that any attempt to interpret Brady and/or Tsai to assume the recited orientations is based on impermissible hindsight reconstruction. Indeed, there is no teaching or suggestion (directly or indirectly) in either Brady or Tsai that either of their structures can or should be oriented in the manner proposed by the Examiner.

In light of the above, allowance of all pending claims is respectfully requested. The Examiner is invited to telephone the undersigned if there are any informal matters that can be resolved in a phone conversation, or if the Examiner has any suggestions or ideas that would further advance the prosecution of this case.

Respectfully Submitted,



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Dated: May 24, 2005

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: May 24, 2005

By: 
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